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APR - 7 2008

ERIC W. SIEGLE

April 7, 2008

JONATHAN D. SIMS

VIA FACSIMILE

United States District Court  
 Southern District of New York  
 500 Pearl Street, Room 1310  
 New York, New York 10007  
 Attn.: Michael H. Dolinger, U.S.M.J.

ENDORSED ORDER

*We deem this letter to be a motion to amend. Defendants may respond by no later than April 14, 2008. Plaintiff's reply, if any, will be due by April 16, 2008.*

Re: Zhao v. City of New York et al.  
 07CV.3636 (LAK)(MHD)

Dear Honorable Judge Dolinger:

We represent the plaintiff in the above-referenced matter. We hereby seek leave to amend the complaint herein pursuant to Fed. R. Civ. P. 15(a). Specifically, plaintiff seeks to substitute Sergeant Brian Conlon for "John Doe #1." We have consulted with defendants' counsel with regard to this application and they will not consent to same.

Sergeant Conlon was deposed on March 28, 2008. At his deposition, Conlon testified that he, as defendant Milan's supervisor, authorized the arrest of Zhao for murder, which Zhao alleges was without probable cause. Conlon's own testimony was the first time plaintiff learned this fact, as defendant Milan testified that it was he that decided to and authorized the arrest of plaintiff. Further, after having an opportunity to view Conlon for the first time, plaintiff's counsel has determined that Sgt. Conlon fits the description of a person who plaintiff testified battered him during his interrogation. Plaintiff alleges in his complaint that improper interrogation techniques, including the use and threats of physical force, caused him to sign a false confession prepared by defendant Ng resulting in the false arrest and malicious prosecution of plaintiff by defendants.

The proposed amendment will not cause delay in discovery proceedings in this matter, and defendants will not suffer undue prejudice as a result of the amendment. Thus, plaintiff respectfully requests that this Court grant plaintiff leave to amend the pleadings as described above.

Respectfully submitted,

**SIEGLE & SIMS LLP.**

Eric W. Siegle

cc: Afsaan Saleem, A.C.C. (via facsimile)

SIEGLE & SIMS L.L.P.